

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

ARTICULATE ENERGY LIMITED

Plaintiff,

v.

DYNASTY ENERGY SERVICES, LLC

Defendant.

Civil Action No. 7:22-cv-00040

Judge _____

Magistrate Judge _____

NOTICE OF REMOVAL

Defendant Dynasty Energy Services, LLC (“Dynasty”), pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, removes this action to the United States District Court for the Western District of Texas, Midland/Odessa Division. In support of its Notice of Removal, Dynasty states as follows:

BACKGROUND

1. On January 19, 2022, Plaintiff Articulate Energy Limited (“Articulate”) commenced this action by filing Plaintiff’s Original Petition (the “Petition”) against Dynasty in the County Court, County of Midland, State of Texas, styled “*Articulate Energy Limited v. Dynasty Energy Services, LLC*, Cause No. CC24034.” In accordance with 28 U.S.C. § 1446(a), a true and correct copy of all process, pleadings, and orders in the state-court file is attached as Exhibit 1.

2. Dynasty was served with the Petition on January 28, 2022, through its registered agent.

3. The Petition asserts that Articulate is entitled to \$184,523.63 for purported consulting services performed by Articulate for Dynasty. (Ex. 1, Petition at ¶ 53)

4. The Petition further asserts that Articulate is entitled to liquidated damages in the amount of \$184,523.63. (Ex. 1, Petition ¶ 12)

5. Articulate also seeks to recover attorney's fees pursuant to Texas Civil Practice & Remedies Code Section 38.001(b)(7). (Ex. 1, Petition ¶ 67)

REMOVAL IS PROCEDURALLY PROPER

6. Venue is proper in this district and division pursuant to 28 U.S.C. § 1446(a) because the United States District Court for the Western District of Texas, Midland/Odessa Division, embraces the place in which the removed action was pending.

7. Further, removal is timely pursuant to 28 U.S.C. § 1446(b) because Dynasty filed this Notice of Removal within 30 days after receipt of a copy of the initial pleading through service of the Petition.

8. No previous application has been made for the relief requested herein.

9. Immediately following the filing of this Notice of Removal, Dynasty will deliver a written notice of filing of this Notice to Articulate's counsel, as required by 28 U.S.C. § 1446(d). Dynasty will also promptly file a copy of this Notice with the Clerk of the County Court, County of Midland, as required by 28 U.S.C. § 1446(d).

THE COURT HAS DIVERSITY JURISDICTION OVER THIS CASE

10. This Court has diversity jurisdiction over this matter pursuant to 28 U.S.C. § 1332(a) because it is a civil action between citizens of different states, and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

A. There is Complete Diversity Among the Parties as Required Under 28 U.S.C. §1332(a).

11. For purposes of diversity jurisdiction, the citizenship of a limited liability company is the citizenship of each of its members. *Greenwich Insurance Company v. Capsco Industries, Incorporated*, 934 F.3d 419 (5th Cir. 2019). A corporation is a citizen of "every State...by which

it has been incorporated and of the State...where it has its principal place of business.” 28 U.S.C. §1332(c)(1).

12. Articulate is a foreign corporation, incorporated under the laws of Scotland, with its principal place of business located at 15 Carlton Place, Aberdeen, AB15 4BR. (Ex. 1, Petition ¶ 12)

13. Dynasty is a citizen of Louisiana and Florida. Specifically:

a. Dynasty is a Louisiana limited liability company. Dynasty’s sole member is Anniversary Holding Company, LLC.

b. Anniversary Holding Company, LLC is a Texas limited liability company. The members of Anniversary Holding Company, LLC are Lakeview Investment Group, LLC and Solid Rock Family, LLC.

c. Lakeview Investment Group, LLC is a Louisiana limited liability company. The members of Lakeview Investment Group, LLC are Brad Cohen and Gayle Cohen, both citizens of the state of Louisiana.

c. Solid Rock Family, LLC is Louisiana limited liability company. The members of Solid Rock Family, LLC are James Glasgow, Christopher D. Glasgow Family 1 Trust, Pamela Glasgow Family 1 Trust, and Tanya Glasgow Family 1 Trust.

d. James Glagow is a citizen of the State of Florida.

e. For purposes of diversity jurisdiction, the citizenship of a trust is determined by the citizenship of its trustee. *Wardlaw Transportation, LLC v. S. Tire Mart, LLC*, No. 5:20-CV-1014-JKP, 2020 WL 7872518, at *2 (W.D. Tex. Oct. 16, 2020).

f. Brad Cohen, a citizen of the State of Louisiana, is the trustee for the Christopher D. Glasgow Family 1 Trust, Pamela Glasgow Family 1 Trust, and Tanya Glasgow Family 1 Trust.

14. Based on the above, Articulate is a citizen of Scotland and Dynasty is a citizen of Louisiana and Florida. Accordingly, the parties are completely diverse. *See* 28 U.S.C. § 1332.

B. The Amount in Controversy Exceeds \$75,000.

15. Articulate alleges in the Petition that it that is entitled to payment of \$184,523.63 from Dynasty. (Ex. 1, Petition ¶ 53)

16. The Petition also includes a claim for liquidated damages of \$184,523.63. (Ex. 1, Petition ¶ 66)

17. Finally, Articulate is seeking to recover attorney's fees pursuant to Texas Civil Practice & Remedies Code Section 38.001(b)(7). (Ex. 1, Petition ¶ 67)

18. Thus, Articulate's action more than meets the amount in controversy requirement under 28 U.S.C. § 1332(a).

19. Accordingly, complete diversity exists between Articulate and Dynasty, and the amount in controversy requirement is satisfied. This Court has jurisdiction over this action under 28 U.S.C. §§ 1332, 1441, and 1446.

WHEREFORE, Dynasty Energy, LLC respectfully removes this action from the County Court for the County of Midland, Texas, to this Court under 28 U.S.C. § 1441.

Dated: February 21, 2022

Respectfully submitted,

BUTLER SNOW LLP

By: /s/ Karson Thompson

Karson Thompson
State Bar No. 24083966
karson.thompson@butlersnow.com
1400 Lavaca Street, Suite 1000
Austin, Texas 78701
Tel: 737-802-1800
Fax: 737-802-1801

**ATTORNEYS FOR DEFENDANT
DYNASTY ENERGY SERVICES, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on February 21, 2022 I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the Court's ECF system and served a copy by email to the following counsel of record:

Craig D. Dillard
cillard@foley.com
Kelsey Leiper Imam
kimam@foley.com
FOLEY & LARDNER LLP
1000 Louisiana Street, Suite 2000
Houston, Texas 77002

Counsel for Plaintiff

/s/ Karson Thompson
Karson Thompson